



## Montana Fish, Wildlife & Parks

4600 Giant Springs Road  
Great Falls, MT 59405  
406-454-5840

Dear Interested Parties,

Montana Fish, Wildlife & Parks (MFWP) proposes to purchase by fee title 9,488.26 acres of Trust Lands managed by the Montana Department of Natural Resources and Conservation (hereafter, DNRC) identified as *inholdings* on three FWP Wildlife Management Areas (WMA's). These three WMA's are known as the Sun River, Beartooth and Blackleaf and are located in Lewis & Clark, Cascade/Lewis & Clark, and Teton counties, respectively. Those acres to be purchased in each WMA, respectively, are 3,410.35; 5,438.43 and 639.48.

MFWP proposes to use a combination of FWP Habitat Montana Program (1/4) dollars and U.S. Fish and Wildlife Service Pittman Robertson (3/4) dollars to fund the purchase. These properties contain important intermountain/foothill grassland habitats of great value to wildlife, their habitats and additional public recreational values. Their respective management objectives and values are described further in the enclosed Environmental Assessment (EA), **"Acquisition of DNRC Inholdings on Sun River, Beartooth and Blackleaf Wildlife Management Areas"**.

Many of Montana Fish, Wildlife and Park's (FWP's) Wildlife Management Areas (WMAs) include intermingled lands administered by DNRC which are leased by FWP. Many WMAs are purchased and managed for the long-term purposes of providing productive wintering wildlife habitat and to support compatible recreational opportunities. DNRC's primary mission for Trust Lands is to generate revenue for Trusts. Public expectations are different for both types of state-owned land, and in some circumstances this can be cause for conflict. FWP has been collaborating with DNRC on identifying priority DNRC lands that occur within WMAs. These specific parcels have a higher likelihood of conflicts because of their values for wildlife, the limited income they generate for the Trust, and their potential for achieving higher income that would be in direct conflict with habitat values.

MFWP is currently seeking your review and comment on this draft EA for this proposed acquisition. The EA may be obtained by viewing MFWP's internet website <http://fwp.mt.gov.PublicNotices>. Hard copies are available via e-mailing [fwprg42@mt.gov](mailto:fwprg42@mt.gov) or by telephone at 406-454-5840 or by written request to Region 4 FWP, 4600 Giant Springs Road, Great Falls, MT 59405. Comments may be made online on the EA webpage or may be directed by mail or e-mail to the above address. Comments must be received no later than 5:00PM April 8, 2016.

As part of the decision making process under the Montana Environmental Policy Act (MEPA), I expect to issue a Decision Notice soon after the closure of public comment. The Draft EA would be considered as Final if no substantive comments are received by that deadline. The Montana Fish and Wildlife Commission has final Departmental authority to render a decision whether to proceed. That act would be followed by the Montana Board of Land Commissioners for their final decision making authority.

Sincerely,

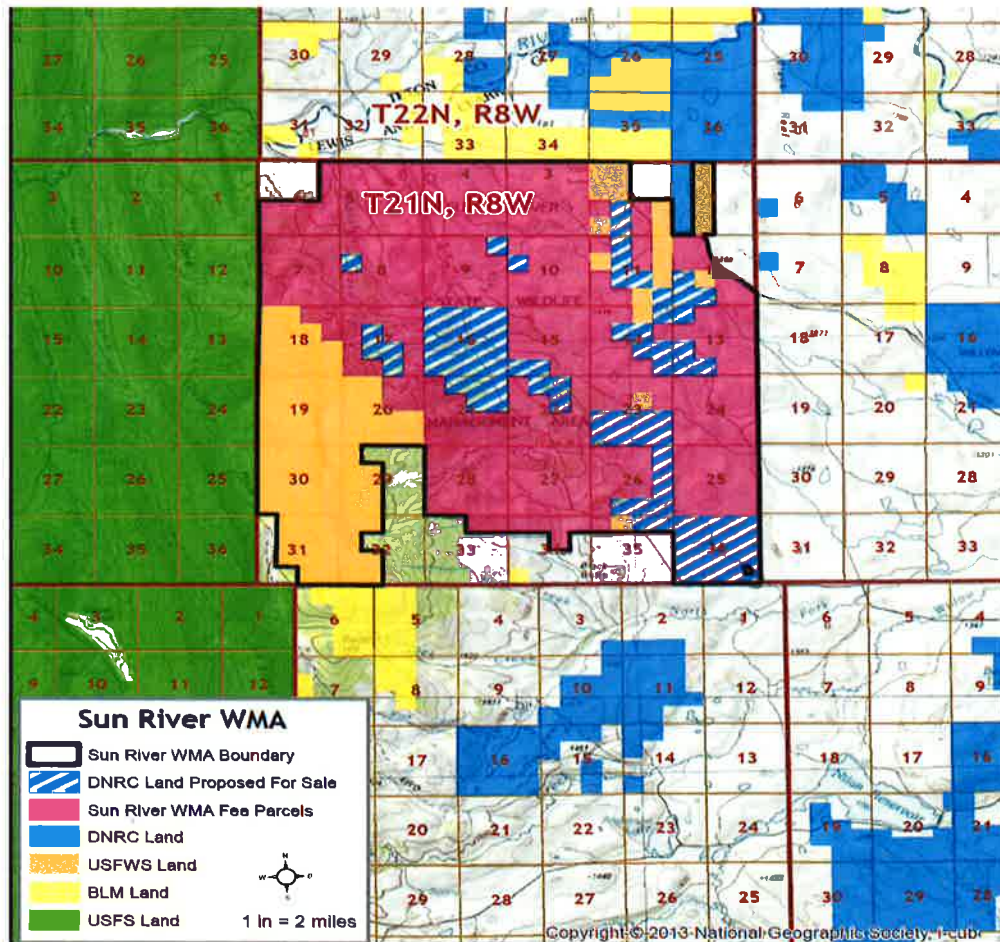
Gary Bertellotti,  
Regional Supervisor



**Montana Fish,  
Wildlife & Parks**

## **Draft Environmental Assessment**

# **Acquisition of DNRC Inholdings on Sun River, Beartooth, and Blackleaf Wildlife Management Areas**



**March 2016**

# **Draft Environmental Assessment**

## **PART I. PROPOSED ACTION DESCRIPTION**

### **1. Type of proposed state action:**

Montana Fish, Wildlife & Parks (FWP) proposes to purchase by fee title 9,488.26 acres of Trust Lands managed by the Montana Department of Natural Resources and Conservation (hereafter, DNRC) identified as inholdings on three FWP Wildlife Management Areas (WMA's). These three WMA's are known as the Sun River, Beartooth and Blackleaf and are located in Lewis & Clark, Cascade/Lewis & Clark, and Teton counties, respectively. Those acres to be purchased in each WMA, respectively, are 3,410.35; 5,438.43 and 639.48. Total appraised value for these acres combined is \$11,146,000. Individually, the three WMA's acreage appraised as \$6,252,000; 4,039,000; and \$855,000, respectively.

FWP proposes to use a combination of FWP Habitat Montana Program (1/4) and U.S. Fish and Wildlife Service Pittman Robertson (3/4) dollars to fund the purchase. These properties contain important intermountain/foothill grassland habitats of great value to wildlife, their habitats and additional public recreational values. Their respective management objectives and values are described further in this document.

Many of Montana Fish, Wildlife and Park's (FWP's) Wildlife Management Areas (WMAs) include intermingled lands administered by DNRC which are leased by FWP. WMAs are purchased and managed for the long-term purposes of providing productive wildlife habitat and to support compatible recreational opportunities. DNRC's primary mission for Trust Lands is to generate revenue for Trusts. Public expectations are different for both types of state-owned land, and in some circumstances this can be cause for conflict. FWP has been collaborating with DNRC on identifying priority DNRC lands that occur within WMAs. These specific parcels have a higher likelihood of conflicts because of their values for wildlife, the limited income they generate for the Trust, and their potential for achieving higher income that would be in direct conflict with habitat values.

The long term solution is for FWP to own these priority parcels. FWP ownership would avert any future risk of potential revenue-generating proposals that DNRC might be directed to consider, such as cabin leases, substantially elevated lease or land use license fees, or changes in land use. Blocking up FWP ownership assures consistent management and secures habitat conservation into the foreseeable future.

The Fish and Wildlife Commission at their July 2014 meeting provided preliminary endorsement for FWP to proceed with working on the purchase or exchange of up to 18,000 acres of DNRC inholdings. This particular proposal analyzes the purchase of 9,488.26 acres of DNRC Trust Lands that occur within the Sun River, Beartooth and Blackleaf WMAs, all within FWP Administrative Region 4.

**2. Agency authority for the proposed action:**

FWP has the authority under state law (§ 87-1-201, Montana Code Annotated (MCA) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1- 209 MCA).

**3. Name, address and phone number of project sponsor, if other than the agency:**

None

**4. Anticipated Schedule:**

Fish and Wildlife Commission Endorsement of Acquisitions: July 2014

Public Scoping: May and June 2015

Release of Draft Environmental Assessment: March 2016

Public Comment Period: 30 days in March and April 2016

Decision Notice Published: April 2016

Reviewed by FWP Fish and Wildlife Commission: May 2016

Reviewed by Montana Board of Land Commissioners: June 2016

**5. Locations affected by proposed action:**

Three FWP Wildlife Management Areas are involved. They include the Sun River, Beartooth and Blackleaf. See a map overview and then a map for each WMA displaying those DNRC Trust Lands identified for purchase below. All WMA's are located in north-central Montana in FWP administrative Region 4. Legal descriptions for every acre, by parcel, by WMA, are included below.

| Sun River WMA Parcels |     |     |  |               |                |         |
|-----------------------|-----|-----|--|---------------|----------------|---------|
| TWN                   | RNG | Sec | Description  | County        | Grant ID       | # Acres |
| 21N                   | 8W  | 8   | SW4NW4   | Lewis & Clark | Common Schools | 40      |
| 21N                   | 8W  | 9   | NE4NE4   | Lewis & Clark | Common Schools | 40      |
| 21N                   | 8W  | 11  | E2NW4, NE4SW4, NW4SE4, SE4SE4  | Lewis & Clark | Common Schools | 200     |
| 21N                   | 8W  | 12  | S2SW4, NW4SW4  | Lewis & Clark | Common Schools | 120     |
| 21N                   | 8W  | 14  | NE4NE4, SW4NE4, SE4NW4, N2SE4, SE4SE4  | Lewis & Clark | Common Schools | 240     |
| 21N                   | 8W  | 2   | E2SW4  | Lewis & Clark | Common Schools | 79.73   |
| 21N                   | 8W  | 23  | S2   | Lewis & Clark | Common Schools | 320     |
| 21N                   | 8W  | 35  | N2NE4  | Lewis & Clark | Common Schools | 80      |
| 21N                   | 8W  | 36  | 5.00 ACRES IN GOVERNMENT LOT 7 (SE4SE4)  | Lewis & Clark | Common Schools | 5       |
| 21N                   | 8W  | 36  | LOTS 1 TO 7 INC., NW4SE4, N2SW4, W2NE4, NW4, LESS 5 AC SPECIAL LEASE IN LOT 7 (SE4SE4) | Lewis & Clark | Common Schools | 645.62  |
| 21N                   | 8W  | 10  | SW4NW4   | Lewis & Clark | Common Schools | 40      |
| 21N                   | 8W  | 13  | NW4NW4_NW4SW4_S2SW4  | Lewis & Clark | Common Schools | 160     |
| 21N                   | 8W  | 15  | S2SW4  | Lewis & Clark | Common Schools | 80      |
| 21N                   | 8W  | 16  | ALL  | Lewis & Clark | Common Schools | 640     |
| 21N                   | 8W  | 17  | SE4NW4_W2SE4_NE4SW4  | Lewis & Clark | Common Schools | 160     |
| 21N                   | 8W  | 21  | NE4NW4_NE4   | Lewis & Clark | Common Schools | 200     |
| 21N                   | 8W  | 22  | NE4NW4_W2NE4   | Lewis & Clark | Common Schools | 120     |
| 21N                   | 8W  | 26  | E2E2_SW4SE4_SE4SW4   | Lewis & Clark | Common Schools | 240     |

| Blackleaf WMA Parcels |    |    |                                     |       |                 |        |
|-----------------------|----|----|-------------------------------------|-------|-----------------|--------|
| 26N                   | 8W | 16 | LOTS 1_2_4_5_NW4_W2NE4_NW4SE4_N2SW4 | Teton | Common Schools  | 519.48 |
| 26N                   | 8W | 10 | NW4SW4                              | Teton | Public Building | 40     |
| 26N                   | 8W | 17 | SE4NW4, NW4NW4                      | Teton | Public Building | 80     |

| Beartooth WMA Parcels |    |    |                          |               |                |        |
|-----------------------|----|----|--------------------------|---------------|----------------|--------|
| 14N                   | 1W | 16 | ALL                      | Cascade       | Common Schools | 640    |
| 14N                   | 2W | 10 | SW4                      | Lewis & Clark | Common Schools | 160    |
| 14N                   | 2W | 14 | ALL                      | Lewis & Clark | Common Schools | 640    |
| 14N                   | 2W | 16 | N2,W2SW4,S2SE4           | Lewis & Clark | Common Schools | 480    |
| 14N                   | 2W | 20 | E2NW4,N2NE4              | Lewis & Clark | Common Schools | 160    |
| 14N                   | 2W | 22 | ALL                      | Lewis & Clark | Common Schools | 640    |
| 14N                   | 2W | 24 | SW4NE4,W2,SE4            | Lewis & Clark | Common Schools | 520    |
| 14N                   | 2W | 28 | NE4                      | Lewis & Clark | Common Schools | 160    |
| 14N                   | 2W | 30 | LOT 2, SE4NE4,SE4SW4,SE4 | Lewis & Clark | Common Schools | 278.43 |
| 14N                   | 2W | 36 | ALL                      | Lewis & Clark | Common Schools | 640    |
| 14N                   | 3W | 36 | NW4,S2                   | Lewis & Clark | Common Schools | 480    |
| 15N                   | 2W | 36 | ALL                      | Lewis & Clark | Common Schools | 640    |



**Figure 1. Location of Sun River, Beartooth and Blackleaf WMA's in north-central Montana.**

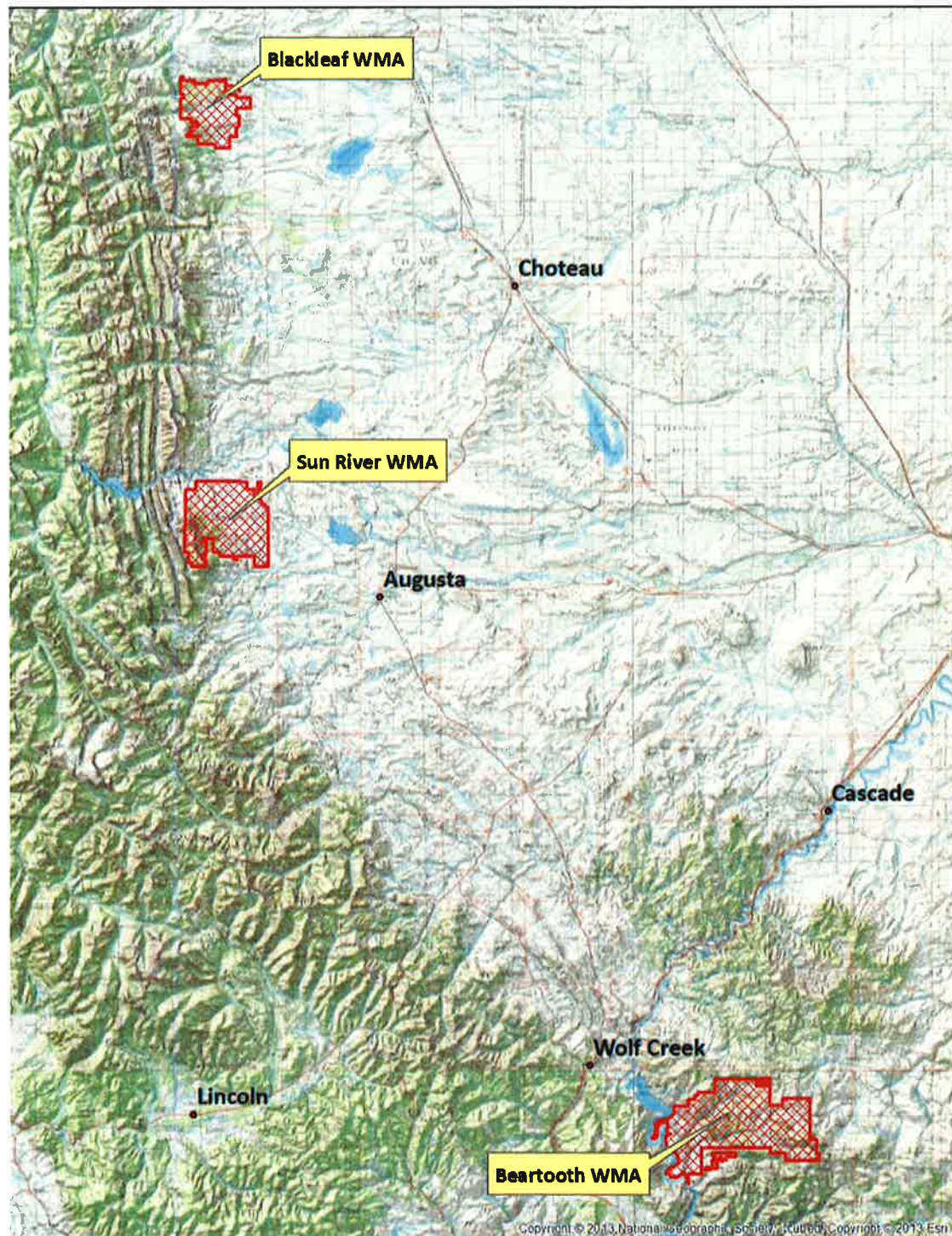
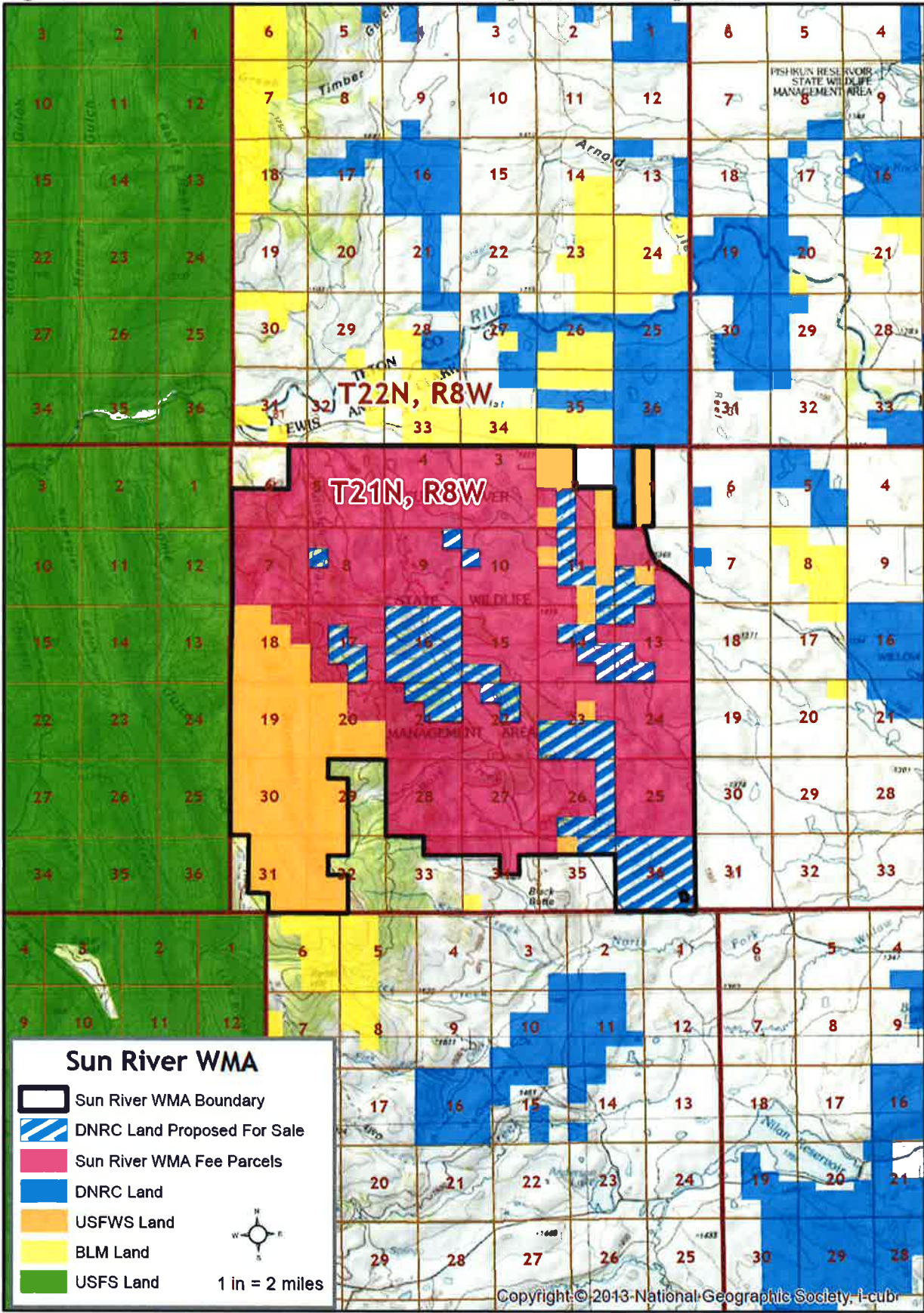




Figure 2. Sun River WMA and attendant DNRC parcels to be acquired.





**Figure 3. Beartooth WMA and attendant DNRC parcels to be acquired.**

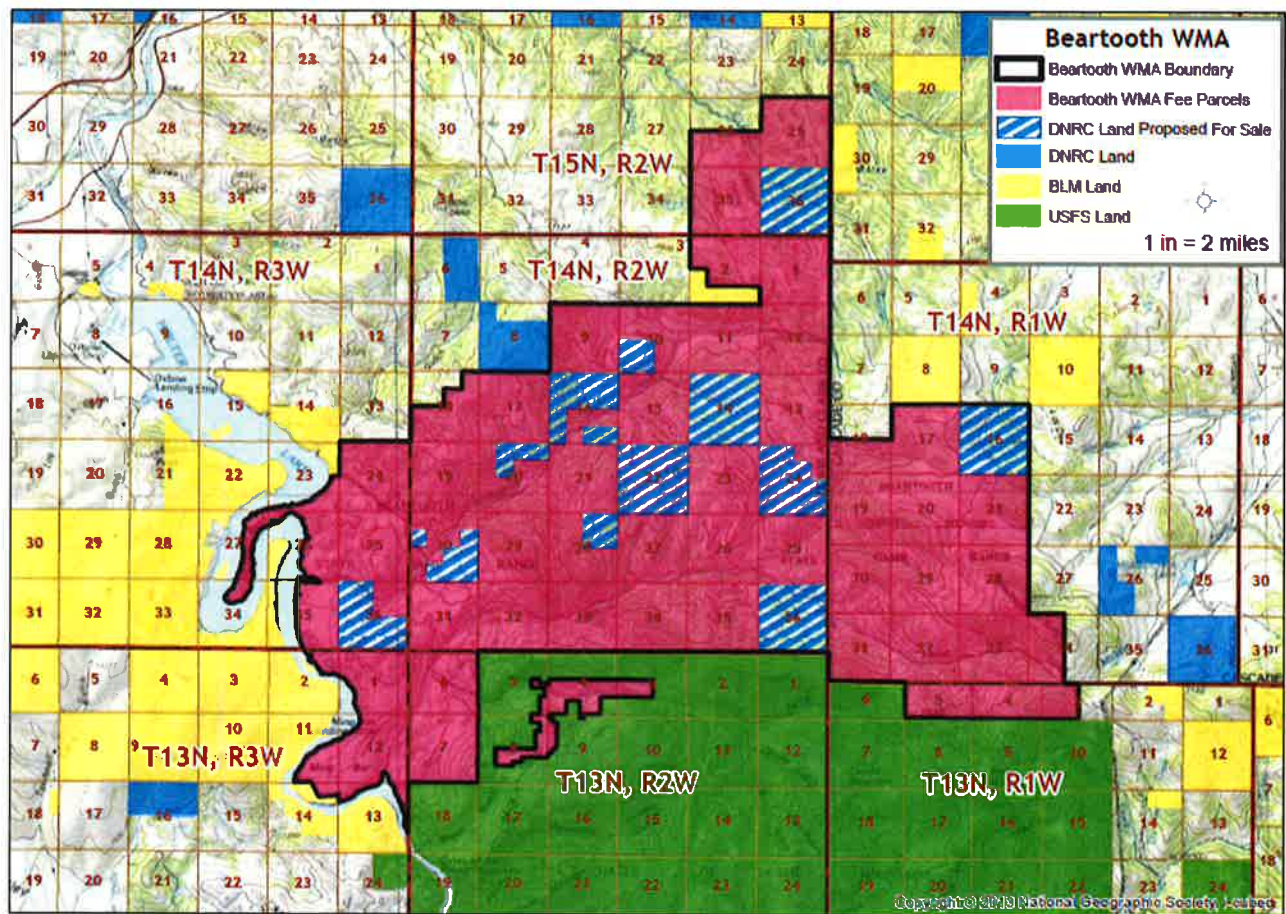
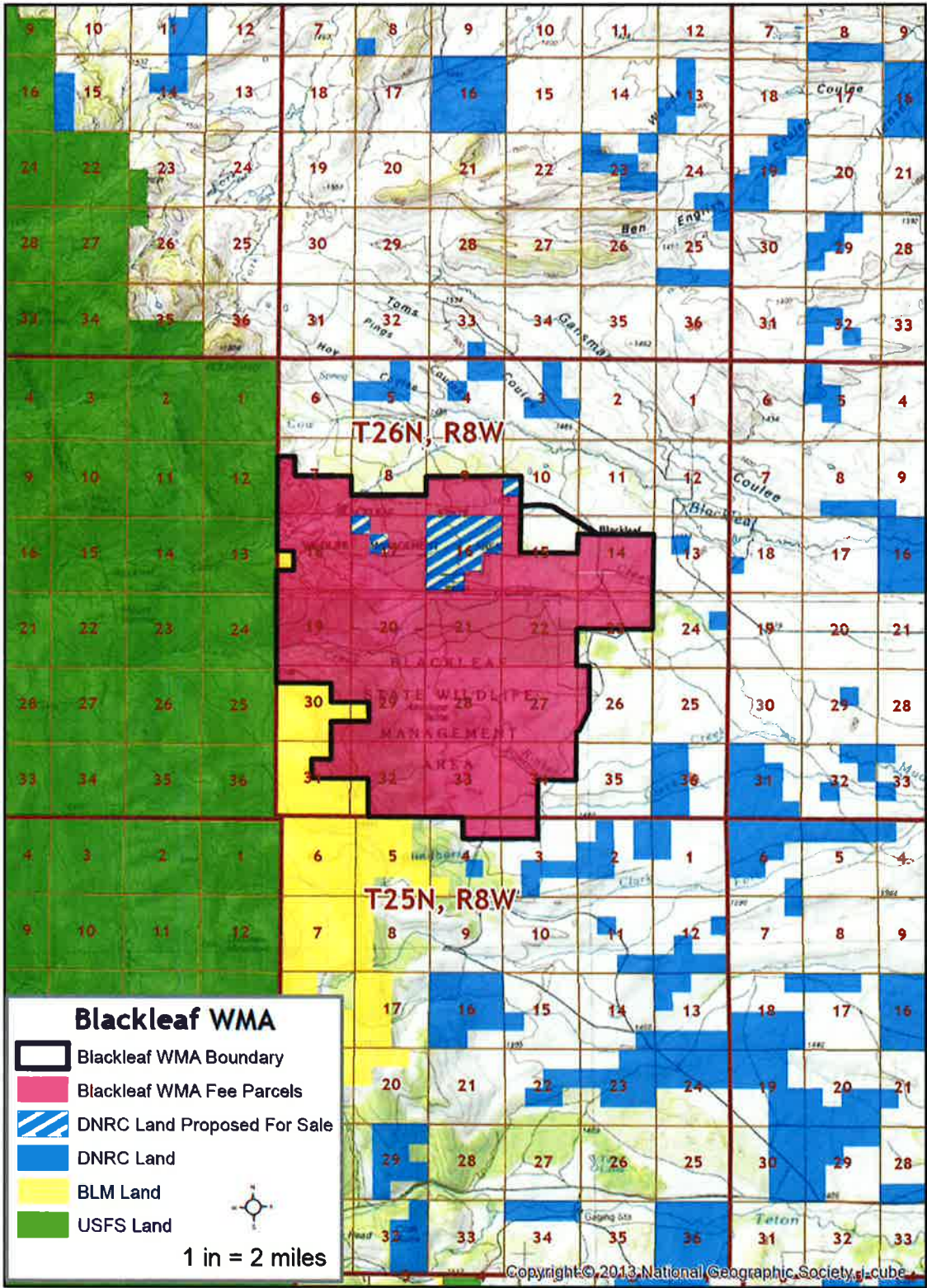




Figure 4. Blackleaf WMA and attendant DNRC parcels to be acquired.



**6. Estimated project size:**

Acre figures are represented as Sun River / Beartooth / Blackleaf WMA's.

|                             | <u>Acres</u>   |                    | <u>Acres</u>   |
|-----------------------------|----------------|--------------------|----------------|
| (a) Developed:              |                | (d) Floodplain     | 0 / 0 / 0      |
| Infrastructure: Residential |                |                    |                |
| Industrial, Transport       | 11 / 5 / 1     | (e) Productive:    |                |
|                             |                | Irrigated cropland | 0 / 0 / 0      |
| (b) Open Space/Recreation   | 0 / 0 / 0      | Dry cropland       | 0 / 0 / 0      |
|                             |                | Forestry           | 628 / 2127 / 0 |
| (c) Wetlands/Riparian Areas | 190 / 192 / 20 | Rangeland          | 2580/3114/620  |

**7. Permits, Funding & Overlapping Jurisdiction.**

**Permits:** None required

**Funding:**

|  |                    |
|--|--------------------|
| US Fish & Wildlife Service Pittman-Robertson | \$8,359,500        |
| <u>FWP Habitat Montana</u>                   | <u>\$2,786,500</u> |
| SUM  | \$11,146,000       |

**Other Overlapping Jurisdictional Responsibilities:**

| <u>Agency Name:</u>              | <u>Type of Responsibility</u> |
|----------------------------------|-------------------------------|
| FWP Fish & Wildlife Commission   | purchase approval             |
| Montana DNRC                     | willing seller                |
| Montana State Land Board         | sale and purchase approvals   |
| Respective County Weed Districts | weed inventory                |

**8. Narrative summary of the proposed action:**

Montana Fish, Wildlife & Parks (FWP) proposes to purchase by fee title 9488.26 acres of Trust Lands managed by the Montana Department of Natural Resources and Conservation (hereafter, DNRC) identified as inholdings on three FWP Wildlife Management Areas (WMA's). These three WMA's are known as the Sun River, Beartooth and Blackleaf and are located in Lewis & Clark, Cascade/Lewis & Clark, and Teton counties, respectively. Those acres to be purchased in each WMA, respectively, are 3410.35; 5438.43 and 639.48. A total appraised value for all of these acres combined is \$11,146,000. Individually, the three WMA's acreage appraised as \$6,252,000; 4,039,000; and \$855,000, respectively.

These parcels, which are made up entirely of native habitats, provide a combination of critical big game winter range, seasonal grizzly bear habitat, support myriad native and nongame species and make available these same acres for hunting and public recreation. Incorporating these parcels fully into the WMA's management will preserve the conservation value of these parcels and associated WMA lands and will reduce long term costs (i.e., DNRC fees).

## **9. Description and analysis of reasonable alternatives:**

### **Alternative A: No Action**

Under the No Action Alternative, FWP would not purchase DNRC Trust Lands identified as inholdings to the Sun River, Beartooth and Blackleaf WMA's. Continued and increasing lease and special permit or land use license fee structures and rates would be paid by FWP to DNRC. Since FWP would not own the properties, there would be no assurance that the inholdings would be managed for wildlife in perpetuity.

### **Alternative B: Acquisition of DNRC Trust Lands on each of three WMA's as identified.**

Purchase by fee title 9,488.26 acres of Trust Lands currently managed by DNRC and identified as inholdings on three WMA's. The Sun River, Beartooth and Blackleaf WMA's are located in Lewis & Clark, Cascade/Lewis & Clark, and Teton counties, respectively. Those acres to be purchased in each WMA, respectively, are 3,410.35; 5,438.43 and 639.48.

DNRC administers these Trust Land acres which are intermingled within these WMA's. For the three WMA's addressed in this Environmental Assessment, these inholdings affect management integrity and efficiency. For example, DNRC lands are available for various types of leasing opportunities that directly conflict with habitat and wildlife values; there are public access conflicts where FWP retains winter range closures that may technically not apply to some DNRC lands; lease rates (\$) for these Trust Lands have greatly increased over recent years; communication from DNRC indicates potential lease changes resulting in unprecedented increases in fee rates; and there remains the possibility of these inholdings being made available for other income generating uses in direct conflict with wildlife and habitat values contained within each WMA. DNRC management direction of Trust Lands is focused on maximizing income generated from a variety of uses – not all of which are consistent with collective WMA values or wildlife and habitat management objectives.

A mix of circumstances makes this an opportune time to invest in lands where real and potential conflicts exist by making whole these three WMA's administered by FWP. Incorporating these DNRC parcels fully into their respective WMA and under FWP management will preserve the conservation value of existing and adjacent lands, create efficiency in management and reduce long term costs associated with DNRC lease and special use permits and licenses. Present annual license and fee rates paid to DNRC for these 9,488 acres total \$41,191 (Land Use License and agricultural (grazing) leases). Anticipated increases and changes in fee structure type to Lease Agreements will likely realize more than a ten-fold increase in annual payment to DNRC.

Upon acquisition, the inholding parcels would be incorporated into the existing management scheme for the WMA's. Relevant Management Plans for each WMA are cited at the end of this EA and are available for review at the Region 4 FWP offices. These WMA Management Plans address elements of the land and its values as wildlife habitat, vegetation composition and management, public recreational access and use and how each element is managed. Specific Management Objectives for each WMA are as follows:



#### Sun River WMA Management Objectives:

- Provide winter range habitat for elk (and other big game). Manage native vegetation to sustain approximately 2,000 elk during the peak 4-5 month winter period (December – April).
- Protect and provide habitat suitable for supporting other fish and wildlife species.
- Provide a variety of recreational opportunities for the general public while ensuring that seasonal security needs of fish and wildlife are met and that vegetation, soil, and other resources are not degraded.

#### Beartooth WMA Management Objectives:

- Provide the year-long habitat requirements of resident wildlife, including elk, bighorn sheep, mule deer, white-tailed deer, antelope, black bear, upland game birds and non-game wildlife.
- Provide winter range for approximately 1,500 elk, 500 mule deer, 200 white-tailed deer and 100 bighorn sheep.
- Manage grassland vegetation, with emphasis on rough fescue, therefore wildlife species, particularly wintering big game, are provided abundant and nutritious forage. .
- Alleviate elk depredation on neighboring private lands through habitat and public use management practices.
- Provide hunting opportunities for deer, elk, bighorn sheep, antelope, black bear and upland game birds annually.
- Provide for a wide range of public recreational activities including: hunting, horseback riding, fishing, wildlife viewing and hiking.
- Abide by the intent and spirit of the reversion clause attached to the deed for the Beartooth Wildlife Management Area from the M. Pierce Milton estate and The Nature Conservancy.

#### Blackleaf WMA Management Objectives:

- Manage grassland vegetation, with emphasis on rough fescue, so that wildlife species, particularly wintering big game, are provided abundant and nutritious forage.
- Manage riparian, shrub, and coniferous communities to provide maximum amounts of thermal and escape cover, and a diverse forage base.

- Manage habitat for a target herd size of 500 elk and 500 mule deer for a 6 month period during the winter and spring seasons.
- Minimize elk, deer, and bear depredation on private lands in the area by managing both populations and vegetation.
- Manage habitat for viable, productive numbers of other native wildlife species, such as white-tailed deer, sharptailed grouse, grizzly and black bears.
- Provide for public access and recreation, with emphasis on hunting, all within management standards for vegetation and wildlife.

Alternative B would allow FWP to assume ownership and full management control of those DNRC inholdings and manage them according to established WMA Plans. No change in land use is expected.

**10. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

Future management actions on individual WMA's and on newly acquired DNRC ⇔ FWP lands will be directed by existing Management Plans for each individual wildlife management area.

**PART II. ENVIRONMENTAL REVIEW CHECKLIST**

**Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.**

**A. PHYSICAL ENVIRONMENT**

| 1. <u>LAND RESOURCES</u><br>Will the proposed action result in:  | IMPACT  |      |       |                         |                         |               |
|--|---------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Soil instability or changes in geologic substructure?   |         | X    |       |                         |                         |               |
| b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility? |         | X    |       |                         |                         |               |
| c. Destruction, covering or modification of any unique geologic or physical features?  |         | X    |       |                         |                         |               |
| d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?  |         | X    |       |                         |                         |               |
| e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?                                   |         | X    |       |                         |                         |               |

A more complete description of the geology, soils, and topography of each of the 3 WMA's and attendant DNRC parcels can be found in the *DNRC Revised Checklist Environmental*

*Assessment. 2015 Land banking: Sun River; Beartooth and Blackleaf WMA's as cited at the end of this analysis. Soil quality or quantity will not be impacted by the proposed action as no change in land use is expected.*

| 2. <u>AIR</u><br>Will the proposed action result in:   | IMPACT * |      |       |                         |                         |               |
|--|----------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown  | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)  |          | X    |       |                         |                         |               |
| b. Creation of objectionable odors?  |          | X    |       |                         |                         |               |
| c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?                             |          | X    |       |                         |                         |               |
| d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?   |          | X    |       |                         |                         |               |
| e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.) |          | X    |       |                         |                         |               |

No effects to air quality would occur.

| 3. <u>WATER</u><br>Will the proposed action result in:  | IMPACT  |      |       |                         |                         |               |
|---|---------|------|-------|-------------------------|-------------------------|---------------|
|   | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity? |         | X    |       |                         |                         |               |
| b. Changes in drainage patterns or the rate and amount of surface runoff?   |         | X    |       |                         |                         |               |
| c. Alteration of the course or magnitude of floodwater or other flows?  |         | X    |       |                         |                         |               |
| d. Changes in the amount of surface water in any water body or creation of a new water body?  |         | X    |       |                         |                         |               |
| e. Exposure of people or property to water related hazards such as flooding?  |         | X    |       |                         |                         |               |
| f. Changes in the quality of groundwater?   |         | X    |       |                         |                         |               |
| g. Changes in the quantity of groundwater?  |         | X    |       |                         |                         |               |
| h. Increase in risk of contamination of surface or groundwater?   |         | X    |       |                         |                         |               |
| i. Effects on any existing water right or reservation?  |         | X    |       |                         |                         |               |
| j. Effects on other water users as a result of any alteration in surface or groundwater quality?  |         | X    |       |                         |                         |               |
|   |         | X    |       |                         |                         |               |



|  |  |   |  |  |  |  |
|--|--|---|--|--|--|--|
| k. Effects on other users as a result of any alteration in surface or groundwater quantity?  |  |   |  |  |  |  |
| l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)  |  | X |  |  |  |  |
| m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.) |  | X |  |  |  |  |

Water quality or quantity will not be impacted by the proposed action as no change in land use is expected. Two water rights will transfer with the proposed action; both are on the Sun River WMA. One each as a surface water diversion for a small reservoir and the other a well for institutional purposes. No new impacts to the discharge, drainage, flow, potential contamination or groundwater is expected since no change in land use is planned.

| 4. <u>VEGETATION</u><br><br>Will the proposed action result in?  | IMPACT  |      |       |                         |                         |               |
|--|---------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)? |         | X    |       |                         |                         |               |
| b. Alteration of a plant community?  |         | X    |       |                         |                         |               |
| c. Adverse effects on any unique, rare, threatened, or endangered species?   |         | X    |       |                         |                         |               |
| d. Reduction in acreage or productivity of any agricultural land?  |         | X    |       |                         |                         |               |
| e. Establishment or spread of noxious weeds?   |         | X    |       |                         |                         |               |
| f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?  |         | X    |       |                         |                         |               |

The proposed action is expected to have a positive impact on existing vegetation under the WMA management objectives in that native plants would be protected from disturbances and noxious weed infestations, and existing habitat would be maintained for the benefit of wildlife species. The project would allow FWP to positively maintain and/or enhance these acres. The existing diversity and abundance of vegetation will not change, as the property will remain in open space for the preservation of wildlife habitat and recreational activities.

Proposed additions would be managed as part of, and would fall under the same weed control plan as its associated WMA. Small isolated infestations of Spotted Knapweed, Sulfur Cinquefoil, Dalmatian Toadflax, Whitetop, Leafy Spurge, Hounds tongue and Canada Thistle may be encountered. FWP will continue to implement an aggressive and integrated weed management program designed to control and eradicate noxious weeds as identified in the respective WMA Noxious Weed Management Plan. County Weed Districts will continue to review and approve these plans.

A more complete description of the vegetative cover, quantity and quality of each of the 3 WMA's and attendant DNRC parcels can be found in each respective *DNRC Revised Checklist*

*Environmental Assessment. 2015 Land banking: Sun River; Beartooth and Blackleaf WMA's as cited at the end of this analysis.*

| 5. <u>FISH/WILDLIFE</u><br>Will the proposed action result in:   | IMPACT  |      |       |                         |                         |               |
|--|---------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Deterioration of critical fish or wildlife habitat?   |         | X    |       |                         |                         |               |
| b. Changes in the diversity or abundance of game animals or bird species?  |         | X    |       |                         |                         |               |
| c. Changes in the diversity or abundance of nongame species?   |         | X    |       |                         |                         |               |
| d. Introduction of new species into an area?   |         | X    |       |                         |                         |               |
| e. Creation of a barrier to the migration or movement of animals?  |         | X    |       |                         |                         |               |
| f. Adverse effects on any unique, rare, threatened, or endangered species?   |         | X    |       |                         |                         |               |
| g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?                  |         | X    |       |                         |                         |               |
| h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.) |         | X    |       |                         |                         |               |
| i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)                       |         | X    |       |                         |                         |               |

Proposed acquisitions will not impact fish or wildlife habitat or their associated species but will instead ensure wildlife capacities and conservation for future generations. Each respective WMA and its attendant package of DNRC land parcels will continue to be managed under guidance of each WMA Management Plan. Hunting will continue to be permitted on the property as currently allowed under FWP hunting regulations. Other recreational activities (hiking, bird watching, horseback riding, etc.) will also continue to be permitted.

FWP determines that the proposed action will have *no effect* on any threatened, endangered or candidate species. A current list of sensitive species for Lewis and Clark, Teton and Cascade counties as identified by the U.S. Fish and Wildlife Service (USFWS) that were considered in this review is included below. Because no change in land use is planned, no impact to these sensitive species will occur.

| County                 | Township-Range                | USFWS Endangered                     | USFWS Threatened                                   | USFWS Candidate  | MT SOC   |
|------------------------|-------------------------------|--------------------------------------|--|--|--|
| <b>Lewis and Clark</b> | <b>All</b>                    | None                                 | Canada Lynx; Grizzly Bear; Red Knot; Bull Trout    | Sprague's Pipit  | 13 mammal, 52 bird, 1 reptile, 4 amphibian, 5 fish, 6 invertebrate, & 25 plant species   |
|                        | <b>Sun River WMA T21N R8W</b> | None                                 | Canada Lynx; Grizzly Bear                          | None   | 7 mammal, 12 bird, 1 amphibian, 3 fish, and 1 plant species                              |
|                        | <b>Beartooth WMA T14N R3W</b> | None                                 | None   | None   | 6 mammal, 13 bird, 3 amphibian, and 1 fish species                                       |
|                        | <b>Beartooth WMA T14N R2W</b> | None                                 | None   | None   | 5 mammal, 9 bird, 1 amphibian, and 2 fish species  |
| <b>Cascade</b>         | <b>All</b>                    | Black-footed Ferret; Pallid Sturgeon | Canada Lynx; Grizzly Bear; Piping Plover           | Greater Sage-Grouse; Sprague's Pipit; Whitebark Pine ( <i>Pinus albicaulis</i> ) | 12 mammal, 50 bird, 3 reptile, 4 amphibian, 9 fish, 2 invertebrate and 14 plant species  |
|                        | <b>Beartooth WMA T14N R1W</b> | None                                 | None   | None   | 2 mammal, 4 bird, and 2 fish species   |
| <b>Teton</b>           | <b>All</b>                    | None                                 | Canada Lynx; Grizzly Bear; Red Knot; Piping Plover | Sprague's Pipit; Whitebark Pine ( <i>Pinus albicaulis</i> )                      | 12 mammal, 49 bird, 2 reptile, 2 amphibian, 6 fish, 1 invertebrate, and 30 plant species |
|                        | <b>Blackleaf WMA T26N R8W</b> | None                                 | Canada Lynx; Grizzly Bear                          | None   | 8 mammal, 18 bird, 1 amphibian, 3 fish, & 5 plant species                                |

Grizzly bears are known to occur on the Sun River and Blackleaf WMA's. Grizzly bear are not known to occur on the Beartooth WMA. Canada Lynx have no recorded observations on the Sun River or Blackleaf WMA's, however their occasional occurrence is likely. There are no recorded observations of the remaining candidate species listed by the USFWS for Lewis and Clark, Teton or Cascade Counties.



## B. HUMAN ENVIRONMENT

| 6. <u>NOISE/ELECTRICAL EFFECTS</u><br>Will the proposed action result in:                                      | IMPACT  |      |       |                         |                         |               |
|--|---------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Increases in existing noise levels?   |         | X    |       |                         |                         |               |
| b. Exposure of people to serve or nuisance noise levels?   |         | X    |       |                         |                         |               |
| c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property? |         | X    |       |                         |                         |               |
| d. Interference with radio or television reception and operation?  |         | X    |       |                         |                         |               |

Noise levels, electrostatic or communications interference will not be impacted by the proposed action as no change in land use is expected.

| 7. <u>LAND USE</u><br>Will the proposed action result in:  | IMPACT  |      |       |                         |                         |               |
|--|---------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Alteration of or interference with the productivity or profitability of the existing land use of an area?       |         | X    |       |                         |                         |               |
| b. Conflicted with a designated natural area or area of unusual scientific or educational importance?              |         | X    |       |                         |                         |               |
| c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action? |         | X    |       |                         |                         |               |
| d. Adverse effects on or relocation of residences?   |         | X    |       |                         |                         |               |

Under present ownership and management, DNRC possesses mineral rights to the acres addressed in this Proposal. DNRC will, by state statute, reserve those same mineral rights upon sale. They will not transfer to FWP. With that in mind, FWP has pursued a remoteness test by private contractor, *gec Inc.* Reports for these examinations are cited at the end of this report. Findings concluded that economically feasible development of any mineral or oil/gas resources is so remote as to be negligible.

No changes in land use are expected. The property would continue to be accessible by the public for hunting, hiking, wildlife viewing, and other non-motorized recreational activities consistent with the management of the WMA as a whole.

| 8. <u>RISK/HEALTH HAZARDS</u><br>Will the proposed action result in:  | IMPACT  |      |       |                         |                         |               |
|---|---------|------|-------|-------------------------|-------------------------|---------------|
|   | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption? |         | X    |       |                         |                         |               |

|   |  |   |  |  |  |  |
|---|--|---|--|--|--|--|
| b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan? |  | X |  |  |  |  |
| c. Creation of any human health hazard or potential hazard?   |  | X |  |  |  |  |
| d. For P-R/D-J, will any chemical toxicants be used?<br>(Also see 8a)                                   |  | X |  |  |  |  |

No human health hazards are anticipated or known of as described by the proposed property acquisition. On site field assessments were made by *gec inc.* – a private consulting firm, upon each of the three WMA's in question for hazardous materials or containers or other hazardous circumstances. In all three and for every parcel involved, no hazards or hazardous materials were found. Each site assessment for the WMA's and attendant DNRC parcels can be found in the respective *WMA-DNRC Land Acquisition Phase I Environmental Assessment and Minerals Remoteness Evaluation* as cited at the end of this analysis.

FWP will continue to use an integrated method of managing existing and new noxious weeds on the properties. Use of herbicides would be in compliance with application guidelines and conducted by people trained in safe application techniques. Weeds may also be controlled using mechanical or biological means in certain areas to reduce chemical use or water contamination.

| 9. <u>COMMUNITY IMPACT</u><br>Will the proposed action result in:  | IMPACT  |      |       |                         |                         |               |
|--|---------|------|-------|-------------------------|-------------------------|---------------|
|  | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Alteration of the location, distribution, density, or growth rate of the human population of an area?                   |         | X    |       |                         |                         |               |
| b. Alteration of the social structure of a community?  |         | X    |       |                         |                         |               |
| c. Alteration of the level or distribution of employment or community or personal income?                                  |         | X    |       |                         |                         |               |
| d. Changes in industrial or commercial activity?   |         | X    |       |                         |                         |               |
| e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods? |         | X    |       |                         |                         |               |

Community impact will be nil as no change in land use is expected.

| 10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u><br>Will the proposed action result in:   | IMPACT  |      |       |                         |                         |               |
|---|---------|------|-------|-------------------------|-------------------------|---------------|
|   | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other |         | X    |       |                         |                         |               |

|  |  |   |  |  |  |  |
|--|--|---|--|--|--|--|
| governmental services? If any, specify:  |  |   |  |  |  |  |
| b. Will the proposed action have an effect upon the local or state tax base and revenues?  |  | X |  |  |  |  |
| c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications? |  | X |  |  |  |  |
| d. Will the proposed action result in increased use of any energy source?  |  | X |  |  |  |  |
| e. Define projected revenue sources  |  | X |  |  |  |  |
| f. Define projected maintenance costs.   |  | X |  |  |  |  |

The proposed property acquisition would have no impact on public services or utilities as no change in land use is expected.

No additional services would be needed beyond what FWP staff currently provides at each WMA to manage additional parcels as the lessee of those parcels. FWP would be responsible for the following: site maintenance, weed control, vegetation management and fish & wildlife law enforcement. FWP staff currently patrol the existing WMA's and would also patrol the proposed addition. FWP enforcement would continue to cooperate with local law enforcement as needed.

FWP will make annual in-lieu-of tax payments to Lewis & Clark, Cascade and Teton Counties in amounts equal to the normal level of property taxes assessed for the project acres. There are no cultivated croplands or taxable building improvements on the properties. FWP may incorporate livestock grazing into management of the project area when prescribed for wildlife habitat management purposes and consistent with current, existing grazing schemes.

| 11. <u>AESTHETICS/RECREATION</u><br><br>Will the proposed action result in:   | IMPACT  |      |       |                         |                         |               |
|---|---------|------|-------|-------------------------|-------------------------|---------------|
|   | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?             |         | X    |       |                         |                         |               |
| b. Alteration of the aesthetic character of a community or neighborhood?  |         | X    |       |                         |                         |               |
| c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?  |         | X    |       |                         |                         |               |
| d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.) |         | X    |       |                         |                         |               |

The proposed acquisition will further guarantee existing and future recreational opportunities on the identified parcels without threat of future diversion of purpose. The proposal does not include any on-the-ground activities; hence no change to the aesthetics or recreational values would occur. Administrative actions to revise maps, printed materials and electronic information sources to accommodate the change in land ownership will be required.



| 12. <u>CULTURAL/HISTORICAL RESOURCES</u><br><br>Will the proposed action result in:                                       | IMPACT  |      |       |                         |                         |               |
|---|---------|------|-------|-------------------------|-------------------------|---------------|
|   | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Destruction or alteration of any site, structure or object of prehistoric historic or paleontological importance?      |         | X    |       |                         |                         |               |
| b. Physical change that would affect unique cultural values?  |         | X    |       |                         |                         |               |
| c. Effects on existing religious or sacred uses of a site or area?  |         | X    |       |                         |                         |               |
| d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.) |         | X    |       |                         |                         |               |

All Tribal Historic Preservation Officers in Montana (and 2 in Idaho) were contacted through the initial scoping effort as a prelude to this Environmental Assessment. No response identified a specific cultural resource issue. A Class I (literature review) level review was conducted by DNRC staff archaeologist for all Trust parcels involved. This entailed inspection of project maps, DNRC sites leads database, land use records, General Land Office Survey Plats and control cards. Search results revealed no cultural or paleontologic resources have been documented on the subject parcels. Specific cultural/paleontologic resource surveys have not been conducted. Both DNRC and FWP operate under the statutory mandates of the Montana State Antiquities Act. Proposed action will have No Effect on Antiquities.

### SIGNIFICANCE CRITERIA

| 13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u><br><br>Will the proposed action, considered as a whole:   | IMPACT  |      |       |                         |                         |               |
|---|---------|------|-------|-------------------------|-------------------------|---------------|
|   | Unknown | None | Minor | Potentially Significant | Can Impact Be Mitigated | Comment Index |
| a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.) |         | X    |       |                         |                         |               |
| b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?   |         | X    |       |                         |                         |               |
| c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?   |         | X    |       |                         |                         |               |
| d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?   |         | X    |       |                         |                         |               |
| e. Generate substantial debate or controversy about the nature of the impacts that would be created?  |         | X    |       |                         |                         |               |

|  |  |   |  |  |  |  |
|--|--|---|--|--|--|--|
| f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.) |  | X |  |  |  |  |
| g. For P-R/D-J, list any federal or state permits required.  |  | X |  |  |  |  |

No cumulative impacts, potential risk or adverse effect is predicted by the proposed action as no change in land use is expected.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

This proposed acquisition would allow FWP to conserve and protect exceptional wildlife habitat, deliver efficiency in management and provide public recreational access in perpetuity.

### **PART IV. PUBLIC PARTICIPATION**

#### **1. Public involvement:**

The public will be notified in the following manners to comment on this current EA:

- Public notice in each of these newspapers: Helena's *Independent Record* and the *Great Falls Tribune* and other local newspaper services.

-and-

- Public notice on the Montana Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.- *Public Notices*.
- A public meeting will be scheduled March 29, 2016 at the Paris Alternative High School cafeteria in Great Falls to review this Proposal and inform public comment and opinion.

Copies of this environmental assessment would be made available/distributed to neighboring landowners and interested parties to ensure their knowledge of the proposed project.

#### **2. Duration of comment period:**

The public comment period will extend for (35) thirty-five days following the publication of the notices in area news outlets. Written comments will be accepted from March 4 to April 8, 2016 and can be mailed or emailed to the addresses below:

MFWP & DNRC WMA Inholdings Purchase  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405

Or emailed to: [fwprg42@mt.gov](mailto:fwprg42@mt.gov)

After reviewing public input received on or before April 8, 2016 at 5:00 p.m., FWP's Region 4 Supervisor will decide upon a preferred alternative. A recommendation will then be provided to the Fish and Wildlife Commission by virtue of a Decision Notice. The Fish and Wildlife Commission will be asked to render a final decision on this proposal at their regularly scheduled meeting in May 2016. As with any FWP land transaction, the Montana State Board of Land Commissioners will provide ultimate consideration and delivery of the project at a regularly scheduled meeting thereafter in 2016.

## **PART V. EA PREPARATION**

### **1. Based on the significance criteria evaluated in this EA, is an EIS required? No**

**If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

No, an EIS is not required. Based on an evaluation of the primary, secondary and cumulative impacts to the physical and human environment, no significant impacts from the proposed land acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

### **2. Persons responsible for preparing the EA:**

Graham Taylor, FWP Regional Wildlife Manager, Great Falls MT

Rick Northrup, FWP Habitat Bureau Chief, Helena MT

### **3. List of agencies or offices consulted during preparation of the EA:**

Montana Fish, Wildlife & Parks:

Lands Unit, Helena MT

Wildlife Division, Great Falls MT

Montana Natural Heritage Program, Helena MT

Montana State Historic Preservation Office, Helena MT

Montana Department of Natural Resources and Conservation

### **Citations**

Griffith, Earl F., P.G. July 2015, Sun River WMA-DNRC Land Acquisition Environmental Assessment and Mineral Remoteness Evaluation. Griffith Environmental Consulting Inc., Helena, MT. 15pp.

Griffith, Earl F., P.G. July 2015, Beartooth WMA-DNRC Land Acquisition Environmental Assessment and Mineral Remoteness Evaluation. Griffith Environmental Consulting Inc., Helena, MT. 12pp.

Griffith, Earl F., P.G. July 2015, Blackleaf WMA-DNRC Land Acquisition Environmental Assessment and Mineral Remoteness Evaluation. Griffith Environmental Consulting Inc., Helena, MT. 10pp.

Joslin, Gayle L. 1990. Sun River Wildlife Management Area Management Plan. Montana Fish, Wildlife and Parks. 56 pp.

Loecker, Cory, 2008. Beartooth Wildlife Management Area Management Plan. Montana Fish, Wildlife and Parks. 73pp.

Montana Department of Natural Resources and Conservation. 2015. Revised Checklist Environmental Assessment. 2015 Land banking: Sun River WMA – Helena Unit – CLO – FWP. 24pp.

Montana Department of Natural Resources and Conservation. 2015. Revised Checklist Environmental Assessment. 2015 Land banking: Beartooth WMA – Helena Unit – CLO – FWP. 23pp.

Montana Department of Natural Resources and Conservation. 2015. Revised Checklist Environmental Assessment. 2015 Land banking: (Blackleaf WMA) – Conrad Unit – CLO – FWP. 25pp.

Montana Fish, Wildlife and Parks. 2005. Montana's Comprehensive Fish & Wildlife Conservation Strategy. Helena MT

Olson, G. and I. Trowbridge, 1990. Blackleaf Wildlife Management Area Management Plan. Montana Fish, Wildlife & Parks. 50pp with appendices.



## **Appendix A**

### **A. Noxious Weed Management**

In compliance with 7-22-2151, MCA, FWP is required by state statute to develop a noxious weed management plan, have the plan approved by the county weed board, and provide a biennial report on weed management activities. FWP has developed a noxious weed management plan with Lewis and Clark, Cascade and Teton Counties. Each has been approved by the respective County, and is on file at the FWP Region 4 Headquarters. In 2013, FWP Region 4 established "Wildlife Management Area Weed Management Program Guidelines", which is also on file at the FWP Region 4 Headquarters.

### **B. Public Scoping Results**

A public notice: "Proposal to Sell DNRC Trust lands within the Beartooth, Blackleaf, and Sun River WMA's" was initially offered the public to achieve scoping comments on May 19, 2015. Following is the description of the course of that action:

With the passage of Senate Bill 230 during the 2015 Legislature, Montana Fish, Wildlife and Parks is required to conduct public scoping for certain land acquisition projects. The new public scoping language in MCA 87-1-218 reads as follows: (4) For all land acquisitions of 640 acres or more proposed pursuant to 87-1-209, the department shall: (a) conduct a public scoping process to identify issues and concerns as the initial phase of an environmental review pursuant to Title 75, chapter 1, part 2; (b) provide the public with sufficient notice of the proposed acquisition and an opportunity to provide input on reasonable alternatives, mitigation alternatives, mitigation measures, issues, and potential impacts to be addressed in the environmental review; and (c) respond to comments received during the public scoping process as part of the environmental review document. Consistent with that new law, FWP and DNRC jointly released the following scoping notice, which was also posted on DNRC's web site. This proposed action entails the disposition and acquisition of DNRC lands (by FWP) on three Wildlife Management Areas within FWP Administrative Region 4. Such Notice was also made through news articles contained within the Helena Independent Record, Great Falls Tribune, Choteau Acantha and likely, other local newspapers.

Following is a summation of those scoping comments as received following a 30 day public input window.

- Multiple comments were received concerning the ability of a potential third party to outbid the FWP:

Under the Land Banking sale program, FWP as the lessee and nominator of the sale parcels is afforded the ability to stop the sale process up to ten days before the auction occurs. Any parties wishing to bid on the sale parcels at a Land Banking auction have to submit a bid deposit of 20% of the minimum bid price, 20 days before the auction. FWP would know beforehand if there

would be any competitive bidders for the parcels, and would be able to cancel the auction up to ten days before the scheduled auction. Additionally, DNRC is selling the land in three separate sale units. All DNRC's lands (8208.78 acres) within Lewis and Clark County (Sun River and Beartooth) will be sold as a single sale. Separate sales will take place for the single tract located in Cascade County (640 acres) and one sale for the three parcels in Teton County (639.48 acres).

- Comments were received stating DNRC should give the land to FWP or DNRC should keep the land and allow the FWP to use the land at no cost to meet FWP's needs:

The DNRC is provided direction for the sale of lands and leasing of lands in the Montana Constitution. Specifically, Article 10, Section 11 of the Montana Constitution states: public land Trust, disposition ... (2) No such land or any estate or interest therein shall ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state ..."

- Comments were received questioning the ability of the DNRC to sell land with legal access:

The DNRC is provided direction for the sale of legally accessible lands by: "MCA 77-2-363. Land banking land sales and limitations - sale preparation costs". (1) (a) The board may not cumulatively sell or dispose of more than 250,000 acres of state land. Seventy-five percent of the acreage cumulatively sold must be isolated parcels that do not have a legal right of access by the public". The land Board can sell up to 62,500 acres of legally accessible land through the Land Banking program. To date, the Board has sold a total of 10,996 acres of legally accessible land, sale of these parcels would increase the total acres of legally accessible land sold to 20,484, well below the 62,500 acre limit.

- Comments were received questioning how the DNRC sets the minimum value of the land to be sold and/or concerned with DNRC selling the land at too low of a value:

Under land banking the estimated fair market value of sale parcels must be determined by a Montana Licensed and Montana-Certified General Appraiser. The appraisal must be completed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), as adopted by reference by the State Board of Real Estate Appraisers in ARM 24.207 .402. The appraiser must determine a highest and best use of the parcel, and value the parcel using comparable sales with the same or similar highest and best use. If the parcel does not have legal access, the appraiser is to value the property as if it does have legal access. The DNRC reviews or contracts the review of the appraisal, the appraised market value is then recommended to the Land Board as the minimum bid for a parcel.

Additional comments were received outside of and beyond the scope of this project.